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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,461	06/28/2000	Yasuaki Yamagishi	SUGI-T0730	6136

7590 11/21/2003

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EXAMINER

PAULA, CESAR B

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 11/21/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,461

Applicant(s)

YAMAGISHI ET AL.

Examiner

CESAR B PAULA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. This action is responsive to the application filed on 6/28/2000.

This action is made Non-Final.

2. Claims 1-10 are pending in the case. Claims 1, 4-5, 8, and 10 are independent claims.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), and based on application # P11-186491 filed in Japan on 6/30/1999, which papers have been placed of record in the file.

Drawings

4. The drawings filed on 6/28/2000 have been accepted by the examiner.

Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Saether et al, hereinafter Saether (Pat. # 6,405,219 B2, 6/11/2002, filed on 9/24/1999, provisional filed on 6/22/1999).

Regarding independent claim 1, Saether discloses the copying or transmitting, and updating of a tree in a file directory structure located on primary global, and content servers, from a tree located in a source server. In this instance, the file directory tree is made up of directories (fig. 5A, 'A', 'B', and 'D1')—*container entries*--, and subdirectory—*leaf entry*-- immediately underneath directory "D1", which does not contain any subdirectories beneath it (fig. 5A 'C')-- (col. 1, lines 56-50, col.10, lines 39-col. 11, line 67).

Moreover, Saether discloses the identification of a different or changed file –directory, or subdirectory in the tree—*detecting a change of the hierarchical structure--* located on the source server. The source server obtains the update which indicates added, modified, and deleted files as represented in the tree directories—*container entries--*, and subdirectories—*leaf entries--* of the first and second tree versions (fig. 5A-B)—*first, and second difference information --* (col. 1, lines 56-50, col.10, lines 39-col. 11, line 67).

Furthermore, Saether discloses copying—*transmitting--* each individual different or changed file –directory, or subdirectory in the trees—*detecting a change of the hierarchical structure—*from the source server to the primary global, and content servers. The change indicates added, modified, and deleted files as represented in the tree directories—*container entries--*, and subdirectories—*leaf entries--* of the first and second tree versions (fig. 5A-B)—*first, and second difference information --* (col. 1, lines 56-50, col.10, lines 39-col. 11, line 67).

Regarding claim 2, which depends on claim 1, Saether discloses copying—*transmitting--* each individual different or changed file –directory, or subdirectory in the trees—*first difference information—*from the source server to the primary global, and content servers. The source server adds a date of “creation/modification”—*first identification information--* to indicate added, modified, and deleted files as represented in the tree directories—*container entries* of the first and second tree versions (fig. 5A-B, 6A-B) (col. 1, lines 56-50, col.6, lines 66-col.7, line 11).

Regarding claim 3, which depends on claim 1, Saether discloses copying—*transmitting--* each individual different or changed file —directory, or subdirectory in the trees—*second difference information*—from the source server to the primary global, and content servers. The source server adds a date of “creation/modification”— *second identification information--* to indicate added, modified, and deleted files as represented in the tree directories, and subdirectories—*leaf entries--* of the first and second tree versions (fig. 5A-B, 6A-B) (col. 1, lines 56-50, col.6, lines 66-col.7, line 11).

Claim 4 is directed towards a method for implementing the apparatus found in claim 1, and therefore is similarly rejected.

Regarding independent claim 5, Saether discloses the copying or transmitting, updating, and receiving of a tree in a file directory structure located on primary global, and content servers, from a tree located in a source server. The primary global, and content servers receive an identification of a different or changed file —directory—*detected first difference information--*, or subdirectory—*detected second difference information--* in the tree-- located on the source server. A date or new version id signifying changes in the tree structure made to the changed directories and subdirectories—*first, and second identification information*—is added to the directories, and subdirectories respectively. The change indicates added, modified, and deleted files as represented in the tree directories—*container entries--*, and subdirectories—*leaf entries--* of the first and second tree versions (fig. 5A-B)—*first, and second difference information*. In this instance, the file directory tree is made up of directories (fig. 5A, ‘A’, ‘B’, and ‘D1’)—*container*

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entries--, and subdirectory—*leaf entries--* immediately underneath directory “D1”, which does not contain any subdirectories beneath it (fig. 5A ‘C’)-- (col. 1, lines 56-50, col.6, line 66-col.7, line 12, col.10, lines 39-col. 11, line 67, fig. 6A-B).

Furthermore, Saether discloses the updating—*managing*—tree directories whose files or components have been updated. A selective update is performed of the tree directories being managed, where subdirectories changes are obtained, and the trees in the primary global, and content servers are updated with the obtained changes (fig. 5A-B, “C”, “E”, “F”, fig. 6A-B, “F3”, “F4”, col. 1, lines 56-50, col.10, lines 39-col. 11, line 67).

Regarding claim 6, which depends on claim 1, Saether discloses identifying each individual different or changes in the file subdirectory—*leaf entry--* , which is located in the tree, immediately below a directory—*container*—identified by a name and version number, such as “F1.RCA”, and its version value “1.2”. The directories, and subdirectories are updated and changed according to the changes made to the files represented in the tree directory structure (col. 1, lines 56-50, col.10, lines 39-col. 11, line 67, col. 12, lines 11-67, and fig. 6A-B).

Claim 7 is directed towards a method for implementing the apparatus found in claim 5, and therefore is similarly rejected.

Regarding independent claim 8, limitations: *first managing means.....detecting means* are directed to similar limitations found in claim 1, and therefore are similarly rejected.

Further, Saether discloses copying—*transmitting--* each individual different or changed file —directory, or subdirectory in the trees—*first, and second difference information—*from the source server to the primary global, and content servers. The source server adds a date of “creation/modification”—*first, and second identification information--* to indicate added, modified, and deleted files as represented in the tree directories—*container entries--*, and subdirectories—*leaf entries--* of the first and second tree versions (fig. 5A-B, 6A-B, col. 1, lines 56-50, col.6, lines 66-col.7, line 11).

Moreover, Saether discloses copying—*transmitting--* each individual different or changed file —directory, or subdirectory in the trees from the source server to the receiving ends-- primary global, and content servers, which receive the transmitted information. The change indicates added, modified, and deleted files, and their respective “creation/modification dates” as represented in the tree directories—*container entries--*, and subdirectories—*leaf entries--* of the first and second tree versions (fig. 5A-B)—*first, and second difference information --* (fig. 5A-B, 6A-B, col. 1, lines 56-50, col.6, lines 66-col.7, line 36).

Moreover, Saether discloses that the primary global updates—*manages, and changes--*, and selectively obtains only the modified/added files in the version of its tree directory to reflect the additions modifications of the tree directory of the source server (fig. 5A-B, col. 1, lines 56-50, col.10, lines 56-col.11, line 9).

Claim 9 is directed towards a system implementing the apparatus found in claim 6, and therefore is similarly rejected.

Claim 10 is directed towards a method for implementing the system found in claim 8, and therefore is similarly rejected.

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Byrne et al. (Pat. # 6,347,312), Hsu et al. (Pat. # 6,377,956), Moody et al. (Pat. # 5,890,177), DeRose et al. (Pat. # 6,546,406), and Blumer et al. (Pat. # 6,189,019).

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (703) 306-5543. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. However, in such a case, please allow at least one business day.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this Action should be mailed to:

Director United States Patent and Trademark Office

Washington, D.C. 20231

Or faxed to:

- (703) 703-872-9306, (for all Formal communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

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Arlington, VA, Sixth Floor (Receptionist).

A handwritten signature in black ink, reading "Cesar B Paula". The signature is written in a cursive style with a large, stylized 'C' and 'P'.

CESAR B PAULA
Patent Examiner
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11/17/03